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OGC Has Reviewed

7 November 1950

See T. S. File (400 A-1950)
No. 43373 dtd 7 Nov 1950
Memo to ADPC fr Mr. Houston

MEMORANDUM FOR: THE EXECUTIVE

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SUBJECT: Special Leave Policy for [REDACTED]

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1. ADPC has requested an opinion from this office whether he is authorized to establish a policy that would allow certain employees to come home for leave at the end of each year. In the case in point, the employees are staff agents [REDACTED] but the applicable rules are the same as those for normal employees. The situation requiring the special policy arises out of the fact that these employees are to be sent to an isolated overseas station where they cannot take families or dependents and where there are no facilities for entertainment or for normal social activities inasmuch as there is no local civilization. ADPC feels that, under these circumstances, while a two-year tour of duty is desirable, a two-year stretch without a break is too long and should be interrupted by a trip to the United States.

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2. We have given our opinion that it is within the authority of an Assistant Director, under these circumstances, to establish a policy for the return of such employees on temporary duty orders for reorientation, debriefing and retraining at the end of twelve months' service at the overseas post. During such temporary duty, a reasonable amount of leave may be allowed not to exceed that already accrued. The basis for our opinion lies in the fact that Assistant Directors are authorized to request TDY orders for personnel of their shop for official business. The decision that it is for official business is for the Assistant Director to make and will be questioned only if circumstances indicate to the administrative people that the travel performed is merely for personal purposes. Therefore, if the Assistant Director says that return on TDY is for reorientation, debriefing and retraining, the administrative officers can question the travel at government expense only if circumstances indicate that no official business is actually involved. A fair amount of leave in connection with a fair amount of official business will not be questioned. The line is not a hard and fast one, but one day's official business and thirty days' leave would at least raise a question as to whether the travel is properly at government expense. Within these limits, the justification for

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the proposed policy is a matter for administrative determination by the office concerned. There is also the question whether the period of leave need be added on to the two-year tour of overseas duty or absorbed within it. This again is an administrative problem so long as it is settled in advance.

3. Since the travel involved is for temporary duty, the individuals may travel at government expense from their overseas post to the point of reorientation, debriefing and retraining, but are not entitled to travel at government expense from such TDY post to their homes, or to other places where they may take leave, and return to the TDY post.


4. Our ruling on this matter is submitted to your attention as other offices of CIA may have a similar problem and it may be desirable to establish an overall agency policy.

LAWRENCE R. HOUSTON
General Counsel
Legal Staff

LRH/ml1

cc: ✓ Subject
Chrono
Legal Decision
Vital Documents

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 Absence, Leave

See: Memo to Exec from LRH
dtd 27 Nov '50.
File 331 Absence, Leave

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